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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:

12 **ANDREW JOHN MLAKAR, AKA**
13 **ANDREW MLAKAR**

14 **Registered Nurse License Applicant**

15 **Respondent.**

Case No. **2013-4444**

STATEMENT OF ISSUES

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17 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Statement of Issues solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (the
21 "Board").

22 **Application History**

23 2. In or around December 2011 the Board received an application for a Registered
24 Nurse License from Andrew John Mlakar, also known as Andrew Mlakar ("Respondent"). On or
25 about November 22, 2011, Respondent certified under penalty of perjury to the truthfulness of all
26 statements, answers, and representations in the application.

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4. On or about July 9, 2012, Respondent requested a hearing to appeal the denial of his application.

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6. Code section 2761 states, in pertinent part:

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of a Crime)**

3 8. Respondent's application is subject to denial under Code sections 2761,
4 subdivision (f); and 480, subdivision (a)(1), in that on or about October 3, 2006, in the case of
5 *State of Nevada v. Andrew John Mlakar* (Justice Court of Reno Township, County of Washoe,
6 State of Nevada, 2006, Case No. RCR 2006-026927), Respondent was convicted by the court on
7 his plea of guilty for violating NRS 205.300 (embezzlement), a misdemeanor, a crime that is
8 substantially related to the qualifications, functions, or duties of a licensed registered nurse.
9 However, on October 25, 2006, upon proof that Respondent had paid restitution in the amount of
10 \$20,307.45, the embezzlement charge was amended to reflect a charge of NRS 199.280(2)
11 (obstructing a public officer), a misdemeanor.

12 The circumstances of the crime are that between in or around December 14, 2005, to
13 January 30, 2006, while employed by Recreational Equipment Industries ("R.E.I."), Respondent
14 committed criminal acts including, but not limited to: taking money from R.E.I.'s cash register;
15 and, completing and signing return slips for R.E.I. merchandise using the name of R.E.I. members
16 who had not purchased that merchandise, and then issuing and using R.E.I. gift cards gained
17 thereby to purchase R.E.I. merchandise for his own use. The amount of the loss by R.E.I. due to
18 Respondent's actions was over \$17,000.

19 **SECOND CAUSE FOR DENIAL OF APPLICATION**

20 **(Committed Acts Which If Done By a Licentiate)**

21 9. Respondent's application is subject to denial under Code section 480,
22 subdivision (a)(3)(A), in that he committed acts which if done by a licentiate of the profession
23 would constitute grounds for discipline under Code sections 2761, subdivision (f) (conviction of a
24 crime substantially related to the qualifications, functions or duties of a license holder), as more
25 fully set forth in paragraph 8, above.

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